

SECOND REGULAR SESSION

# HOUSE BILL NO. 1660

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CUNNINGHAM.

Read 1<sup>st</sup> time January 28, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4035L.02I

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### AN ACT

To repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to property taxation.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 137.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 137.115, to read as follows:

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable real property in the county owned by the person, or under [his or her] **the person's** care, charge or management, and

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 all taxable tangible personal property owned by the person or under [his or her] **the person's**  
18 care, charge or management, taxable in the county. On or before January first of each  
19 even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance  
20 plan to the county governing body and the state tax commission for their respective approval or  
21 modification. The county governing body shall approve and forward such plan or its alternative  
22 to the plan to the state tax commission by February first. If the county governing body fails to  
23 forward the plan or its alternative to the plan to the state tax commission by February first, the  
24 assessor's plan shall be considered approved by the county governing body. If the state tax  
25 commission fails to approve a plan and if the state tax commission and the assessor and the  
26 governing body of the county involved are unable to resolve the differences, in order to receive  
27 state cost-share funds outlined in section 137.750, the county or the assessor shall petition the  
28 administrative hearing commission, by May first, to decide all matters in dispute regarding the  
29 assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while  
30 the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final  
31 decision of the administrative hearing commission shall be subject to judicial review in the  
32 circuit court of the county involved. In the event a valuation of subclass (1) real property within  
33 any county of the first classification with a charter form of government, or within a city not  
34 within a county, is made by a computer, computer-assisted method or a computer program, the  
35 burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation,  
36 shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves  
37 otherwise, there shall be a presumption that the assessment was made by a computer,  
38 computer-assisted method or a computer program. Such evidence shall include, but shall not be  
39 limited to, the following:

40 (1) The findings of the assessor based on an appraisal of the property by generally  
41 accepted appraisal techniques; and

42 (2) The purchase prices from sales of at least three comparable properties and the address  
43 or location thereof. As used in this paragraph, the word "comparable" means that:

44 (a) Such sale was closed at a date relevant to the property valuation; and

45 (b) Such properties are not more than one mile from the site of the disputed property,  
46 except where no similar properties exist within one mile of the disputed property, the nearest  
47 comparable property shall be used. Such property shall be within five hundred square feet in size  
48 of the disputed property, and resemble the disputed property in age, floor plan, number of rooms,  
49 and other relevant characteristics.

50 2. Assessors in each county of this state and the city of St. Louis may send personal  
51 property assessment forms through the mail.

52 3. The following items of personal property shall each constitute separate subclasses of

53 tangible personal property and shall be assessed and valued for the purposes of taxation at the  
54 following [percents] **percentages** of their true value in money:

55 (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one  
56 percent;

57 (2) Livestock, twelve percent;

58 (3) Farm machinery, twelve percent;

59 (4) Motor vehicles which are eligible for registration as and are registered as historic  
60 motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five  
61 years old and which are used solely for noncommercial purposes and are operated less than fifty  
62 hours per year or aircraft that are home built from a kit, five percent;

63 (5) Poultry, twelve percent; and

64 (6) Tools and equipment used for pollution control and tools and equipment used in  
65 retooling for the purpose of introducing new product lines or used for making improvements to  
66 existing products by any company which is located in a state enterprise zone and which is  
67 identified by any standard industrial classification number cited in subdivision (6) of section  
68 135.200, RSMo, twenty-five percent.

69 4. The person listing the property shall enter a true and correct statement of the property,  
70 in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed  
71 and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered  
72 to the assessor.

73 5. All subclasses of real property, as such subclasses are established in section 4(b) of  
74 article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the  
75 following percentages of true value:

76 (1) For real property in subclass (1), nineteen percent;

77 (2) For real property in subclass (2), twelve percent; and

78 (3) For real property in subclass (3), thirty-two percent.

79 6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used  
80 as dwelling units shall be assessed at the same percentage of true value as residential real  
81 property for the purpose of taxation. The percentage of assessment of true value for such  
82 manufactured homes shall be the same as for residential real property. If the county collector  
83 cannot identify or find the manufactured home when attempting to attach the manufactured home  
84 for payment of taxes owed by the manufactured home owner, the county collector may request  
85 the county commission to have the manufactured home removed from the tax books, and such  
86 request shall be granted within thirty days after the request is made; however, the removal from  
87 the tax books does not remove the tax lien on the manufactured home if it is later identified or  
88 found. A manufactured home located in a manufactured home rental park, rental community or

89 on real estate not owned by the manufactured home owner shall be considered personal property.  
90 A manufactured home located on real estate owned by the manufactured home owner may be  
91 considered real property.

92 7. Each manufactured home assessed shall be considered a parcel for the purpose of  
93 reimbursement pursuant to section 137.750, unless the manufactured home has been converted  
94 to real property in compliance with section 700.111, RSMo, and assessed as a realty  
95 improvement to the existing real estate parcel.

96 8. Any amount of tax due and owing based on the assessment of a manufactured home  
97 shall be included on the personal property tax statement of the manufactured home owner unless  
98 the manufactured home has been converted to real property in compliance with section 700.111,  
99 RSMo, in which case the amount of tax due and owing on the assessment of the manufactured  
100 home as a realty improvement to the existing real estate parcel shall be included on the real  
101 property tax statement of the real estate owner.

102 9. The assessor of each county and each city not within a county shall use the trade-in  
103 value published in the October issue of the National Automobile Dealers' Association Official  
104 Used Car Guide, or its successor publication, as the recommended guide of information for  
105 determining the true value of motor vehicles described in such publication. In the absence of a  
106 listing for a particular motor vehicle in such publication, the assessor shall use such information  
107 or publications which in the assessor's judgment will fairly estimate the true value in money of  
108 the motor vehicle.

109 10. [If the assessor increases] **No political subdivision shall increase** the assessed  
110 valuation of any parcel of subclass (1) real property by more than [seventeen] **five percent or the**  
111 **increase in the consumer price index, which is lower,** since the last assessment, excluding  
112 increases due to new construction or improvements[, then the assessor shall conduct a physical  
113 inspection of such property].